

# Order

Michigan Supreme Court  
Lansing, Michigan

December 23, 2008

Clifford W. Taylor,  
Chief Justice

133430(111)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

TACCO FALCON POINT, INC.,  
Plaintiff/  
Counter-Defendant-Appellee,

v

SC: 133430  
COA: 271525  
Oakland CC: 2002-042917-CZ

DAVID M. CLAPPER,  
Defendant/Counter-Plaintiff/  
Third-Party Plaintiff-Appellant/  
Cross-Appellee,

v

ART MIDWEST, INC.,  
Intervening Third-Party  
Defendant-Appellee,

and

AMERICAN REALTY INVESTORS, INC., and  
AMERICAN REALTY TRUST, INC.,  
Third-Party Defendants-Appellees/  
Cross-Appellants,

and

ART MIDWEST, L.P.,  
Third-Party Defendant.

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On order of the Court, the motion for reconsideration of this Court's June 4, 2008 order is considered, and it is DENIED, because it does not appear that the order was entered erroneously.

CAVANAGH and MARKMAN, JJ., would grant reconsideration and, on reconsideration, would remand this case to the trial court for the reasons stated in the Court of Appeals dissenting opinion.

KELLY, J., would grant reconsideration.



d1215

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 23, 2008

*Corbin R. Davis*

Clerk